

**Notice of Allowability**

Application No.

09/691,504

Examiner

Anne Marie S. Wehbe

Applicant(s)

WALLACK ET AL

Art Unit

1632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 4/4/05.
2. ☒ The allowed claim(s) is/are 55-63, 70-78, 80-84, 86, 88-95 and 102-107.
3. ☒ The drawings filed on 18 October 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

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### EXAMINER'S AMENDMENT

Applicant's after-final amendment received on 4/4/05 has been entered. Following entry of the after final amendment, claims 1-54, 64-69, 85, 87, and 96-101 are canceled. Claims 55-63, 70-84, 86, 88-95, and 102-107 are pending in the instant application.

Applicant's amendments to the claims have overcome the rejections under 35 U.S.C. 112, second paragraph, and under 35 U.S.C. 103 made final in the last office action.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William G. James, II, on 4/19/05.

The application has been amended as follows:

1. In the specification on page 27, line 9, the words -- (SEQ ID NO:1) -- have been inserted after "COOH".
2. In the specification on page 27, line 10, the words -- (SEQ ID NO:2) -- have been inserted after "COOH".

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3. In the specification on page 27, line 11, the words -- (SEQ ID NO:3) -- have been inserted after "COOH".

4. In claim 78, line 2, the word "live" has been deleted.

5. Claim 79 has been canceled.

6. In claim 83, line 1, the words "parts" has been deleted.

7. In claim 84, line 1, the words have been "the at least one site is" have been replaced by the words -- step c) is carried out -- .

8. In claim 86, the number "85" has been replaced by the number -- 78 --.

Following entry of this examiner's amendment, claims 55-63, 70-78, 80-84, 86, 88-95, and 102-107 are pending and allowed over the prior art of record.

Any inquiry concerning this communication from the examiner should be directed to Anne Marie S. Wehbé, Ph.D., whose telephone number is (571) 272-0737. The examiner can be reached Monday- Friday from 9:30-6:00 EST. If the examiner is not available, the examiner's supervisor, Ram Shukla, can be reached at (571) 272-0735. For all official communications, **the**

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**new technology center fax number is (571) 273-8300.** For informal, non-official communications only, the examiner's direct fax number is (571) 273-0737.

Dr. A.M.S. Wehbé

**ANNE M. WEHBE' PH.D**  
**PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read 'Anne M. Wehbé', with a long, sweeping horizontal stroke extending to the right.